

commit a fraud on the United States, or (3) to be induced to do any act in violation of his or her official duties.<sup>741</sup>

Campaign contributions to political parties can be “things of value” for purposes of the bribery statute.<sup>742</sup> However, the federal bribery statute has limited applicability in the context of election campaign activity protected by the First Amendment. Our political system operates to a large extent through private financing of political campaigns.<sup>743</sup> Citizens typically provide campaign contributions to candidates running for office who have supported or will support issues important to those citizens, and citizens will withhold campaign contributions from those candidates whose positions are not aligned with the interests of those constituents. Citizens frequently give campaign contributions with a generalized expectation of currying favor with the candidate benefitting from the contribution.<sup>744</sup> Because the line between rewarding an official with whom one agrees and rewarding an official who has taken or will take a specific action that favors one’s economic interest is frequently not a bright one, the line between the legitimate and the corrupt in matters of campaign finance is especially difficult to police.<sup>745</sup> This is particularly

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<sup>741</sup>18 U.S.C. § 201(b)(2). Once proof of bribery is established, the additional crime of criminal conspiracy to violate the bribery statute could be established by showing that an overt act was committed in furtherance of the conspiracy involving two or more persons. *See* 18 U.S.C. § 371; *see also United States v. Gatling*, 96 F.3d 1511, 1518 (D.C. Cir. 1996).

<sup>742</sup>*See generally United States v. Brewster*, 506 F.2d 62 (D.C. Cir. 1974); *see also Department of Justice (DOJ) Criminal Resource Manual* at 2046.

<sup>743</sup>*Buckley v. Valeo*, 424 U.S. 1, 21 (1976); *see also DOJ Criminal Resource Manual* at 2046.

<sup>744</sup>*See McCormick v. United States*, 500 U.S. 257, 271-74 (1991); *see also DOJ Criminal Resource Manual* at 2046.

<sup>745</sup>*See McCormick*, 500 U.S. at 272-273 (stating that extortion cases involving campaign  
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